

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>AUTHORITY and REFERENCES: 505 KAR 1:130, KRS 15A.0652 1-JPAS-2-7160, 7161</b>
<b>CHAPTER: Juvenile Services in Community</b>		
<b>SUBJECT: AWOL or Escape</b>		
<b>POLICY NUMBER: DJJ 618</b>		
<b>TOTAL PAGES: 4</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

## **I. POLICY**

Any Public or Youthful Offender shall be Absent Without Leave (AWOL) if the youth leaves an approved placement without advanced approval from the supervising authority or is absent from an approved community setting for more than three (3) hours without notification. Committed or sentenced youth AWOL from any out of home placement may be subject to additional criminal charges and an administrative transfer.

## **II. APPLICABILITY**

This policy and procedure shall apply to all Public and Youthful Offenders. Reference DJJPP Chapter 3 (AWOL or Escape).

## **III. DEFINITIONS**

Refer to Chapter 600

## **IV. PROCEDURES**

### **A. AWOL:**

1. Probated, Public, or Youthful Offenders:
  - a. Probated Public or Youthful Offenders AWOL from their assigned residence, and on conditions of probation, shall be considered AWOL if they are outside their assigned residence in excess of three (3) hours without approval from the JSW.
  - b. Where probated Public or Youthful Offenders are expected to report to an assigned location, to include; school, employment, or counseling, they may be considered AWOL if they are absent from their assigned location in excess of three (3) hours.
  - c. The JSW in consultation with the JSDS shall determine if the court needs to be notified to request a pick-up order for all youth who are AWOL from their assigned location in excess of three (3) hours.
  - d. If a probated youth is determined to be AWOL, the JSW may file a probation violation report with the court of jurisdiction outlining the violations. All graduated sanctions and services shall be exhausted, unless it is determined the violation creates an imminent

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threat or significant safety risk to self or others, prior to filing the report. The JSDS shall review and approve the report.

- e. The JSW shall be prepared to provide testimony in any subsequent court hearings as a result of the probation violation.
  - f. When a probated Youthful Offender has absconded supervision, the JSW shall notify the Commonwealth Attorney and Circuit Court judge to request a pickup order.
2. Committed youth:
- a. Committed youth who are AWOL from the residence of the parent, caregiver, or emergency residence or hospital setting arranged by the parent or caregiver, and on conditions of supervised placement, shall be considered AWOL if their whereabouts are unknown in excess of three (3) hours. The JSW shall notify the JSDS of the youth's AWOL. The JSDS shall request a Commissioner's Warrant be issued by the Juvenile Services Regional Manager.
  - b. Committed youth on conditions of supervised placement who are AWOL from their assigned location, to include but not limited to, school, employment, or counseling may be considered AWOL if their whereabouts are unknown in excess of three (3) hours. The JSW, in consultation with the JSDS, shall determine if a Commissioner's Warrant is required. If so, the JSDS shall request a Commissioner's Warrant be issued by the Juvenile Services Regional Manager.
  - c. If a Commissioner's Warrant is issued as a result of the AWOL, the JSW shall contact local law enforcement in the youth's county of their residence or home county, whichever is applicable, and provide them a copy.
  - d. If the Commissioner's Warrant is issued, the Juvenile Services Regional Manager shall send the required information to LINK/NCIC through the State Police contact, if the youth has not already been entered into LINK/NCIC by the parent or caregiver.
  - e. The JSW, in consultation with the JSDS, shall make the determination of whether the youth will be subject to graduated sanctions and services or a supervised placement revocation hearing. Reference KRS 635.100; 505 KAR 1:090; DJJPP Chapter 6 (Community Supervision) and (Supervised Placement Revocation).
3. Committed or sentenced youth are considered AWOL from a placement assigned by the Classification Branch when they leave their assigned placement in therapeutic foster care, private child care, a hospital setting, or when they are on a day release or furlough and fail to return to their assigned placement in therapeutic foster care, private child care, or a hospital setting. These youth shall be taken into

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custody through a Commissioner's Warrant and returned to the custody of the Department. No supervised placement revocation hearing shall be required. Reference KRS 635.100. These youth shall follow the procedures outlined for administrative transfer in DJJPP Chapter 2 (Administrative Transfers); incorporated by reference in 505 KAR 1:100.

- a. The JSW shall notify the JSDS and youth's parent or caregiver upon notification of AWOL. The JSDS shall request a Commissioner's Warrant be issued by the Juvenile Services Regional Manager.
  - b. The JSW shall distribute the Commissioner's Warrant to the placement agency and law enforcement in the youth's home county and the county of placement.
  - c. Upon issuance of the Commissioner's Warrant, the Juvenile Services Regional Manager shall send the required information to LINK/NCIC through the State Police contact, if the youth has not already been entered into LINK/NCIC by either the foster parent, foster care agency staff, or law enforcement. The local law enforcement shall be notified so duplicate entries into LINK/NCIC are not made.
  - d. If the AWOL youth is a Youthful Offender, the JSW shall inform the Classification Branch for review and entry into the VINE system, if applicable.
  - e. The JSW, in consultation with the JSDS and the program, shall make the determination whether to pursue an administrative transfer of the youth. Reference DJJPP Chapter 2 (Administrative Transfers) and the Classification and Placement Manual.
4. The JSW shall provide assistance to DJJ program staff by ensuring that a copy of the Commissioner's Warrant is distributed to the youth's home county law enforcement agency.
  5. When a probated Youthful Offender is AWOL, the JSW shall notify the Commonwealth Attorney and circuit court judge to request a pickup order.
- B. The JSW shall complete an incident report in accordance with DJJPP Chapter 6 (Incident Reports) for all youth who are AWOL while on conditions of probation, conditions awaiting placement, or conditions of supervised placement. The JSW shall complete an incident report for youth placed in, furloughed, or day released from private child care, therapeutic foster care, or hospital setting who are AWOL.
  - C. The JSW shall make phone contact within twenty-four (24) hours with the family or caregiver following the AWOL.
  - D. The JSW shall maintain weekly contact with the youth's family for the duration of the AWOL.

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- E. For youth who are on courtesy interstate supervision and are AWOL, the JSW shall notify the DJJ Interstate Compact Administrator and complete an interstate progress report.
- F. Upon apprehension of a youth, the issuing party of the Commissioner's Warrant is responsible for the notification to law enforcement agencies and the request for the removal of youth from the LINK/NCIC.
- G. The JSW shall notify the JSDS when a youth with an outstanding Commissioner's Warrant turns 18 years of age. The JSDS shall ensure the Commissioner's Warrant is recalled and the youth is removed from the LINK/NCIC system.

**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that community staff are trained annually on AWOL and escape procedures.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and Quality Assurance Branch shall develop monitoring protocols.